



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**URGENT LEGAL MATTER – PROMPT AND COMPLETE REPLY IS REQUESTED  
CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**OCT 02 2015**

George Eacobacci  
Weymouth Salvage  
307 Middle Street  
Weymouth, MA 02189

**Re: Failure to Respond to EPA's Request for Information Pursuant to Section 308 of the  
Clean Water Act, Docket No. 308-01-15-030**

Dear Mr. Eacobacci:

On July 20, 2015 the US Environmental Protection Agency ("EPA") issued a Request for Information to Weymouth Salvage pursuant to Sections 308 and 311(m) of the Clean Water Act, 33 U.S.C. §§1318(a) and 1321(m) (the "Request"). According to the US Postal Service tracking website, delivery of this Request was attempted on July 22, 2015, but not completed because "an authorized recipient was not available." On August 12, 2015, the Request was resent by EPA to the facility via UPS. It was delivered and signed for by "J. Melch" on August 13, 2015. As noted in the Request, a response was required to be submitted to the EPA within 30 days of its receipt. To date, EPA has not received any response to the Request.

You are reminded that compliance with the requirements of the information request is mandatory. The delay or failure to respond fully and truthfully, or to adequately justify any failure to respond can result in the issuance of an enforcement action by EPA pursuant to Section 309 of the Clean Water Act, 33 U.S.C. § 1319, which provides for administrative or judicial penalties of up to \$37,500 per day for each day during which the violation continues. EPA considers non-compliance to have begun on the day after the deadline for submission of your response, which was due on September 13, 2015. You are hereby encouraged to promptly comply in full with the requirements of the information request letter.

For your convenience, a copy of the original letter is attached. Information submitted pursuant to this Request shall be sent by certified mail and addressed as follows:

United States Environmental Protection Agency - Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912  
Attn: David Turin (Mail Code OES04-3)

We urge you to give this matter your immediate attention. Should you wish to discuss technical components of the Request, please contact David Turin at (617) 918-1598. If you have legal

questions, or your attorney wishes to communicate with EPA on your behalf, please contact Jeffrey Kopf, EPA's Enforcement Counsel in this matter at (617) 918-1796.

Sincerely,



Joanna Jerison  
Legal Enforcement Manager  
Office of Environmental Stewardship  
Enclosure

cc: Mary Ellen Schloss, Weymouth Conservation Administrator  
Dan DiSalvio, MassDEP-SERO



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 1**  
**5 Post Office Square, Suite 100**  
**BOSTON, MA 02109-3912**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**JUL 20 2015**

George Eacobacci  
Weymouth Salvage  
307 Middle Street  
Weymouth, MA 02189

Re: Request for Information Pursuant to Section 308 of the Clean Water Act  
Docket No. 308-01-15-030

Dear Mr. Eacobacci:

Section 308(a) of the Federal Clean Water Act (the "Act"), 33 U.S.C. § 1318(a), authorizes the Environmental Protection Agency ("EPA") to require any owner or operator of a point source to provide information needed to determine whether there has been a violation of the Act. Accordingly, as the owner and operator of Weymouth Salvage, you are hereby required, pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a) to respond to this Request for Information ("Request") in accordance with the schedule provided herein. Please read the instructions in Attachment No. 1 carefully before preparing your response and answer each question in Attachment No. 2 as clearly and completely as possible.

Your response to this Request must be accompanied by a certificate that is signed and dated by the person who is authorized to respond to the Request. A Statement of Certification is attached to this letter as Attachment No. 3.

Information submitted pursuant to this Request must be sent by certified mail and shall be addressed as follows:

United States Environmental Protection Agency - Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912  
Attn: David Turin (Mail Code OES04-3)

Compliance with this Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond within the time-frame specified, constitute a violation of the Clean Water Act and is subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001.

The Permittee may assert a business confidentiality claim with respect to part or all of the information submitted to EPA in the manner described at 40 C.F.R. Part 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by



means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, the information may be made available to the public by EPA without further notice to Clean Harbors.

If you have questions regarding this Request, please contact David Turin of my staff at 617-918-1598 or have your attorney contact Jeff Kopf at 617-918-1796.

Sincerely,

A handwritten signature in cursive script, appearing to read "Report for J. Chow".

James Chow, Manager  
Technical Enforcement Office.  
Office of Environmental Stewardship

Attachments

cc: Mary Ellen Schloss, Weymouth Conservation  
Dan DiSalvio, MassDEP-SERO

## **Attachment No. 1**

### **Information Request**

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Request. Precede each answer with the text and the number of the question and the subpart to which the answer corresponds.
2. If any question cannot be answered in full, answer to the extent possible. If your responses are qualified in any manner, please explain.
3. Any documents referenced or relied upon by you to answer any of the questions in the Request must be copied and submitted to EPA with your response. All documents must contain a notation indicating the question and subpart to which they are responsive. If the documentation that supports a response to one item is referenced in the response to other questions, submit one copy of the documentation and indicate in the notation all questions to which it is responsive.
4. If information or documents not known or not available to you at the time of your response to this Request should later become known or available, you must supplement your response with this additional information. Moreover, should you find at any time after the submission of this response that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide a corrected response.



## Attachment No. 2

### Respond to the Following

Please provide the following information within **thirty (30) days** of receipt of this Information Request.

#### Stormwater Discharge Questions:

1. Since the inspection by the Environmental Protection Agency on June 16, 2015 ("EPA Inspection"), describe efforts that you or your employees have undertaken to manage stormwater discharges from your facility at 307 Middle Street in Weymouth MA. Include the following information, as applicable:
  - a. The date that the facility filed, or anticipates filing, an application for coverage under the MSGP stormwater permit.
  - b. If the facility has taken corrective actions or implemented other measures to reduce the loading of pollutants discharged with stormwater at the facility, provide a summary of the actions taken, including the date the action was implemented and the total cost to implement each action.
  - c. If the facility develops a Stormwater Pollution Prevention Plan ("SWPPP") post-inspection, or post-reception of this Information Request letter, submit a copy of the SWPPP and describe the costs associated with developing the SWPPP.
2. List and describe each stormwater discharge to surface water or wetlands in detail. If the receiving water is unnamed, provide the name of the nearest named surface water or wetland to which the unnamed water flows. If stormwater is not discharged directly to surface waters or wetlands (e.g. collected in a detention basin, swales, catch basins), describe the pathway of the stormwater flow from these systems, the means of conveyance and the ultimate discharge location.
3. If the discharge of stormwater has changed, provide a description of the changes and include the period of time and dates when the discharge changed.
4. Please provide a copy of Notices of Violation and any other environmental enforcement actions issued to the facility by the Town of Weymouth or the Commonwealth of Massachusetts since 2010. At a minimum, the response should include all actions by Weymouth Conservation Commission and the administrative consent order issued by Massachusetts Department of Environmental Protection on June 28, 2012 (ACOP-SE-12-R004-24) ("MassDEP ACO"). For each enforcement action, provide a summary of the required response and the actions taken. Please include a copy of the Auto Recycling and Junkyard Best Management Plan required by the MassDEP ACO. For each action, include the date the action was implemented and the total cost to implement each action.



### SPCC Questions:

1. During the EPA Inspection, the opportunity to reduce the aggregate shell capacity of oil storage at the facility below the program threshold of 1320 gallons was discussed. Since the EPA Inspection, describe efforts that you or your employees have undertaken, if any, to reduce the capacity of oil storage below the program threshold of 1320 gallons. Under 40 C.F.R. §112.1(d)(1), only oil tanks, drums and other containers with a storage capacity of 55 U.S. gallons or greater are counted toward this total. Please note that for purposes of this threshold, oil-filled equipment, such as the hydraulic tanks of excavators and backhoes with a storage capacity of 55 U.S. gallons or greater are counted toward this total.
2. If based on the threshold described above, the facility is subject to the Oil Pollution Prevention regulations, describe the measures that the facility has taken, or plans to take, to come into compliance with the regulations.
3. If the facility develops a Spill Prevention, Control and Countermeasure ("SPCC") Plan post-inspection or post-reception of this Information Request letter, include the following information:
  - a. The cost of preparing the SPCC Plan.
  - b. The estimated cost of implementing the SPCC Plan (including, but not limited to, the cost of constructing containment, the cost of conducting formal internal integrity and external inspections and testing).
  - c. The estimated ongoing annual or periodic costs for implementing the SPCC Plan (including, but not limited to, training, inspections, testing, and record keeping).
  - d. Provide a copy of the SPCC Plan.

### Other Questions

1. Please describe how mercury switches that are removed from vehicles are stored and disposed of by the facility.

**End of Question**



### Attachment No. 3

#### Statement of Certification

I declare under penalty of perjury that I am authorized to respond on behalf of Weymouth Salvage. I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

